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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
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SEAN F. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHELLE FUNG, and
CARLOS MARTINEZ,

Defendants.

1:16-CR-02059-RMP

INDICTMENT

Ct. 1: 21 U.S.C. § 846 - Conspiracy to Distribute Methamphetamine and Cocaine

Ct. 2: 21 U.S.C. § 841 – Distribution of Methamphetamine and Cocaine

Notice of Criminal Forfeiture

The Grand Jury charges:

COUNT 1

From on or about July 1, 2016, and continuing to on or about July 15, 2016, in the Eastern District of Washington, the Defendants, MICHELLE FUNG and CARLOS MARTINEZ, knowingly and intentionally combined, conspired, confederated and agreed together and with others, to commit the following offense against the United States, to wit: to knowingly and intentionally distribute 50 grams or more of actual methamphetamine, a Schedule II controlled substance, and 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A)(viii),(b)(1)(A)(ii), and 846.

COUNT 2

On or about July 15, 2016, in the Eastern District of Washington, the Defendants, MICHELLE FUNG and CARLOS MARTINEZ, did knowingly and intentionally distribute 50 grams or more of actual methamphetamine, a Schedule II controlled substance, and 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A)(viii), and (b)(1)(A)(ii).

**NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS**

The allegations contained in Counts 1-2 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.

Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Sections 841 and 846, the Defendants, MICHELLE FUNG and CARLOS MARTINEZ, shall forfeit to the

United States of America, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense(s) and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of the offense(s).

If any forfeitable property, as a result of any act or omission of the Defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

DATED: August 9, 2016.

A TRUE BILL

Presiding Juror

MICHAEL C. ORMSBY
United States Attorney

THOMAS J. HANLON
Supervisory Assistant United States Attorney

BENJAMIN D. SEAL
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